

**AMENDMENTS TO UTAH DIGITAL HEALTH  
SERVICE COMMISSION ACT**

2008 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill amends the Utah Digital Health Service Commission Act.

**Highlighted Provisions:**

This bill:

- ▶ renames the commission the "Utah Digital Health Service Committee";
- ▶ amends the appointment of the members;
- ▶ requires the chairperson of the committee to report to the executive director of the Department of Health; and
- ▶ amends the duties of the committee, including requires the committee to:
  - advise and make recommendations to the department concerning patient privacy related policies; and
  - place an emphasis on helping rural health care providers and special populations.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-9f-102**, as last amended by Laws of Utah 2004, Chapter 33

**26-9f-103**, as last amended by Laws of Utah 2004, Chapter 33

**26-9f-104**, as last amended by Laws of Utah 2006, Chapter 121

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-9f-102** is amended to read:

**26-9f-102. Definitions.**

As used in this chapter:

- (1) [~~"Commission"~~] "Committee" means the Utah Digital Health Service [~~Commission~~] Committee created in Section 26-9f-103.
- (2) [~~"Telehealth"~~] "Digital health service" means the electronic transfer [~~or~~], exchange [~~of medically~~], or management of related data for diagnosis, treatment, consultation, educational, public health, or other related purposes.

Section 2. Section **26-9f-103** is amended to read:

**26-9f-103. Utah Digital Health Service Committee.**

- (1) There is created within the department the Utah Digital Health Service [~~Commission~~] Committee.
- (2) (a) The governor shall appoint 11 members to the [~~commission with the consent of the Senate, as follows:~~] committee in accordance with Subsection (2)(b).
- (b) Each member of the committee shall:
- (i) be selected from a list of three nominees recommended by the department and the committee; and
- (ii) represent one or more of the following categories:
- (~~(a)~~) (A) a physician who is involved in [~~telehealth~~] digital health service;
- (~~(b)~~) (B) a representative of a licensed health care facility or system as defined in Section 26-21-2;
- (~~(c)~~) (C) a representative of rural Utah, which may be a person nominated by an advisory committee on rural health issues created pursuant to Section 26-1-20;
- (~~(d)~~) (D) a member of the public who is not involved with [~~telehealth~~] digital health service; and
- (~~(e)~~) seven members:
- (~~(i)~~) selected from a list of three nominees for each open position submitted by the division over health systems improvement; and
- (~~(ii)~~) who fall into one or more of the following categories:
- (~~(A)~~) (E) individuals who use [~~telehealth~~] digital health service in a public or private institution;
- (~~(B)~~) (F) individuals who use [~~telehealth~~] digital health service in serving medically

63 underserved populations;

64 ~~[(C)]~~ (G) nonphysician health care providers involved in ~~[telehealth]~~ digital health  
65 service;

66 ~~[(D)]~~ (H) information technology professionals involved in ~~[telehealth]~~ digital health  
67 service;

68 ~~[(E)]~~ (I) representatives of the health insurance industry; and

69 ~~[(F)]~~ (J) ~~[telehealth]~~ digital health service consumer advocates.

70 (3) (a) The ~~[commission]~~ committee shall annually elect a chairperson from its  
71 membership. The chairperson shall report to the executive director of the department.

72 (b) The ~~[commission]~~ committee shall hold meetings at least once every three months.  
73 Meetings may be held from time to time on the call of the chair or a majority of the board  
74 members.

75 (c) Six ~~[commission]~~ committee members are necessary to constitute a quorum at any  
76 meeting and, if a quorum exists, the action of a majority of members present shall be the action  
77 of the ~~[commission]~~ committee.

78 (4) (a) Except as provided in Subsection (4)(b), a ~~[commission]~~ committee member  
79 shall be appointed for a three-year term and eligible for two reappointments.

80 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment  
81 or reappointment, adjust the length of terms to ensure that the terms of ~~[commission]~~  
82 committee members are staggered so that approximately 1/3 of the ~~[commission]~~ committee is  
83 appointed each year.

84 (c) A ~~[commission]~~ committee member shall continue in office until the expiration of  
85 the member's term and until a successor is appointed, which may not exceed 90 days after the  
86 formal expiration of the term.

87 (d) Notwithstanding Subsection (4)(c), a ~~[commission]~~ committee member who fails to  
88 attend 75% of the scheduled meetings in a calendar year shall be disqualified from serving.

89 (e) When a vacancy occurs in membership for any reason, the replacement shall be  
90 appointed for the unexpired term.

91 (5) (a) Board members who are not government employees may not receive  
92 compensation or benefits for the services, but may receive per diem and expenses incurred in  
93 the performance of their official duties at rates established by the Division of Finance under

94 Sections 63A-3-106 and 63A-3-107.

95 (b) A ~~[commission]~~ committee member may decline to receive per diem and expenses  
96 for service to the ~~[commission]~~ committee.

97 (6) The department shall provide informatics staff support to the ~~[commission]~~  
98 committee.

99 (7) The funding of the ~~[commission]~~ committee shall be a separate line item to the  
100 department in the annual appropriations act.

101 Section 3. Section **26-9f-104** is amended to read:

102 **26-9f-104. Duties and responsibilities.**

103 The ~~[commission]~~ committee shall:

104 (1) advise and make recommendations on ~~[telehealth]~~ digital health service issues to  
105 the department~~[-, the Utah Technology Commission,]~~ and other state entities;

106 (2) advise and make recommendations on digital health service related patient privacy  
107 to the department;

108 ~~[(2)]~~ (3) promote collaborative efforts to establish technical compatibility, uniform  
109 policies, and privacy features to meet legal, financial, commercial, and other societal  
110 requirements;

111 ~~[(3) serve as a clearinghouse on emerging telehealth technologies;]~~

112 (4) identify, address, and seek to resolve the legal, ethical, regulatory, financial,  
113 medical, and technological issues that may serve as barriers to ~~[telehealth]~~ digital health  
114 service;

115 (5) explore and encourage the development of ~~[telehealth]~~ digital health service  
116 systems as a means of reducing health care costs and increasing health care quality and access,  
117 ~~[including]~~ with emphasis on assisting rural health care providers and special populations with  
118 access to or development of electronic medical records;

119 (6) seek public input on ~~[telehealth]~~ digital health service issues; and

120 ~~[(7) educate the public, state officials, and the health care community on telehealth~~  
121 ~~issues; and]~~

122 ~~[(8)]~~ (7) in consultation with the department, advise the governor and Legislature on:

123 (a) the role of ~~[telehealth]~~ digital health service in the state;

124 (b) the policy issues related to ~~[telehealth]~~ digital health service;

- 125 (c) the changing [~~telehealth~~] digital health service needs and resources in the state; and
- 126 (d) state budgetary matters related to [~~telehealth~~] digital health service.